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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,408	06/28/1999	ANDREAS FELLINGER	FLA-0010	6097

7590 08/05/2003

D. PETER HOCHBERG CO., L.P.A.  
1940 EAST 6TH STREET-6TH FLOOR  
CLEVELAND, OH 44114-2294

EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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*Handwritten signature/initials*

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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42

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attachment.

*Handwritten signature of Shian T. Luong*

Shian T. Luong  
Primary Examiner  
Art Unit: 3728

***Response to Amendment***

1. The reply filed on 6/24/03 is not fully responsive to the prior Office Action because of the newly submitted claims 23-32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the new claims are directed to a method for storing medical swabs which is classified in class 53.

Since applicant has received at least one action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. However, because applicant has deleted all product claims 16-22 that were previously pending, no action on the merits can be issued at this time. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

***Conclusion***

2. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. The **Group clerical receptionist number is (703) 308-1148** or the **Tech Center 3700 Customer Service Center number is (703) 306-5648.**


Art Unit: 3728

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Donna Monroe at (703) 308-2209.

For applicant's convenience, the Group Technological Center FAX number is (703) 872-9302 and for After Final Amendment the number is (703) 872-9303. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039. The examiner can normally be reached on T-F from 7:00am to 4:00pm EST.

STL  
August 4, 2003

  
Primary Examiner  
Shian Luong  
Art Unit 3728